

REMARKS

Independent claims 1, 12, and 21 have been amended to include the limitations “at least one reflective strip attached on the covering” and “wherein the covering includes formed pockets for cable ties.” Prior to the amendments, the independent claims stood rejected as being unpatentable over Fuller in view of Brach, Jr. The Examiner stated that “Fuller et al. does not disclose placing two or more pockets on the cover.” The Examiner asserted Lackomar as showing a plurality of pockets. The Examiner also stated “Fuller et al. in view of Brach, Jr. et al. does not disclose placing at least one reflective strip on the covering.” The Examiner asserted Ruiz as showing a display that includes a reflective strip.

Under the Examiner’s reasoning, it would take the combination of four references to reject the currently amended independent claims – Fuller, Brach, Jr., Lackomar and Ruiz. Four references are simply too many to combine to fabricate an obviousness rejection. One of skill in the art would not look to combining four references to solve the problem at hand – namely, how to place advertising displays on hoses while at the same time providing other advantages such as protecting a vehicle’s finish and providing a handle for grasping the hose.

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577 (Fed. Cir. 1984).

Fuller relates to a protector for protecting barriers against damage due to incidental contact therewith. This barrier protector may be decorated with advertising and may be present at gas pump islands.

Brach relates to an apparatus for providing advertising on a gas pump hose. With this device, the hose connection collar is connected to the hose and the frame for holding the advertising display is located off the hose.

Lackomar relates to an advertising display for hanging on the back of a vehicle seat such as in taxicabs for holding advertising or postcards.

Ruiz relates to a flexible identification collar which consists of a strap with an attached tongue on one end. The exterior layer of the strap will normally be made of a reflective or fluorescent material for improved visibility in low light situations.

There is no teaching or suggestion to combine these four references located anywhere within the four patents. Further, the combination of the four references would not yield the present invention unless impermissible hindsight reconstruction was used. With Brach, Jr., the advertising display, while connected to a hose, is off of and away from the hose. Fuller shows the placement of advertising on barrier protectors, not hoses. Lackomar is a particularly inapplicable reference. It has nothing to do with gas stations or hoses. It discloses a display to be hung on the back of a vehicle seat. It does not disclose a device "wherein the covering includes formed pockets for cable ties." Ruiz is simply a collar placed on a hose. It has none of the advantages of the present invention such as protecting the finish of automobiles when hoses are dragged across the vehicle or use as a handle with hoses such that the user doesn't get his hands dirty. The combination of these four references unaided by the present specification would not yield the present invention.

Since the independent claims, claims 1, 12, and 21 are allowable, the remaining dependent claims are also allowable.

Thus, the claims as currently amended are not obvious over the cited references and the rejections should be removed and the claims allowed.

Respectfully submitted,



G. Alan Witte
Registration No. 36,061

G. Alan Witte
Law Offices of G. Alan Witte
Frost Bank Building
6750 West Loop South, Suite 920
Bellaire, Texas 77401-4103
Telephone Number: 713-661-2100
Fax Number: 713-661-3557

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commission for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date

6/27/05

G. Alan Witte

(Name of person making deposit)

G. Alan Witte

(Signature)

Amendments to the Drawings

Replacement drawing sheet 2 showing the changes suggested by the Examiner is attached. VELCRO 27 has been removed. No new matter has been added.